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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF	:	
	:	
ALEJANDRO M. VINLUAN, M.D.	:	FINAL DECISION & ORDER
	:	FOR REMEDIAL EDUCATION
	:	LS0709195MED
	:	

Division of Enforcement Case # 04 MED 116

The parties to this proceeding for purposes of Wis. Stat. § 227.53 are:

Alejandro Vinluan, M.D.
756 N. 35th St. Ste. 201
Milwaukee, WI 53208

Wisconsin Medical Examining Board
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Wisconsin Medical Examining Board (“Board”). The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Alejandro M. Vinluan, M.D., (DOB June 6, 1945) is duly licensed to practice medicine and surgery in the state of Wisconsin under license # 14421. This license was first granted on July 17, 1974.
2. Dr. Vinluan’s most recent address on file with the Wisconsin Medical Examining Board is 756 N. 35th St. Ste. 101, Milwaukee, WI 53208.
3. At all times relevant to this action, Dr. Vinluan, was providing medical services as a physician to patients at Sinai Samaritan Medical Center located in Milwaukee, Wisconsin.
4. An investigation is pending before the Medical Examining Board which involves allegations that Dr. Vinluan performed a type of gastric bypass surgical procedure other than the procedure to which the patient consented. Specifically Dr. Vinluan allegedly failed to provide adequate information to a 28 year old female patient regarding the possibility that an alternative gastric bypass surgical procedure might be employed rather than the gastric bypass procedure to which she consented. Such alleged failure would prevent the patient from making an informed choice regarding her surgical options

pursuant to Wis. Stat. sec. 448.30.

5. At the time of the incident, Dr. Vinluan was specializing in the practice of general surgery.

6. Following this incident and prior to initiation of the investigation by the Board, Dr. Vinluan voluntarily ceased the practice of general surgery and engages solely in the general practice of medicine.

7. This Final Decision and Order does not constitute a disciplinary action against Dr. Vinluan's license to practice medicine and surgery in the State of Wisconsin.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Alejandro Vinluan, M.D. will, within nine (9) months of the date of this Order, obtain eight (8) hours of continuing education in the area of informed consent with an emphasis on the provision of adequate information to allow a patient to make an informed consent to medical treatment. The courses attended in satisfaction of this requirement may not be used in satisfaction of the statutory continuing education requirements for licensure.

2. Dr. Vinluan shall be responsible for obtaining the courses required under this Order, for providing adequate course descriptions to the Department Monitor and for obtaining pre-approval of the course from the Wisconsin Medical Examining Board or its delegee prior to commencement of the programs.

3. Within thirty (30) days following completion of the courses identified in paragraph one above, Dr. Vinluan shall file with the Wisconsin Medical Examining Board certifications from the sponsoring organization verifying his attendance at the required courses.

4. All costs of the educational programs shall be the responsibility of Dr. Vinluan.

IT IS FURTHER ORDERED that:

Respondent shall, within ninety days from the date of this Order, pay costs of this proceeding in the amount of two thousand three hundred fifty three (\$2353) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Dr. Vinluan's license. The Board in its discretion may in the alternative impose conditions and limitations or other discipline for a violation of any of the terms of this Order. In the event Dr. Vinluan

fails to complete the educational programs within the specified time or fails to pay costs as ordered, the Respondent's license (#14421) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

4. This Order is effective on September 19, 2007.

WISCONSIN MEDICAL EXAMINING BOARD

By: Gene Musser MD
A Member of the Board

9/19/07
Date